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*Horace Edwin Hayden*

A

REFUTATION OF THE CHARGES

MADE AGAINST

THE CONFEDERATE STATES OF AMERICA

OF HAVING AUTHORIZED THE USE OF

EXPLOSIVE AND POISONED MUSKET AND RIFLE BALLS  
DURING THE LATE CIVIL WAR OF 1861-65.

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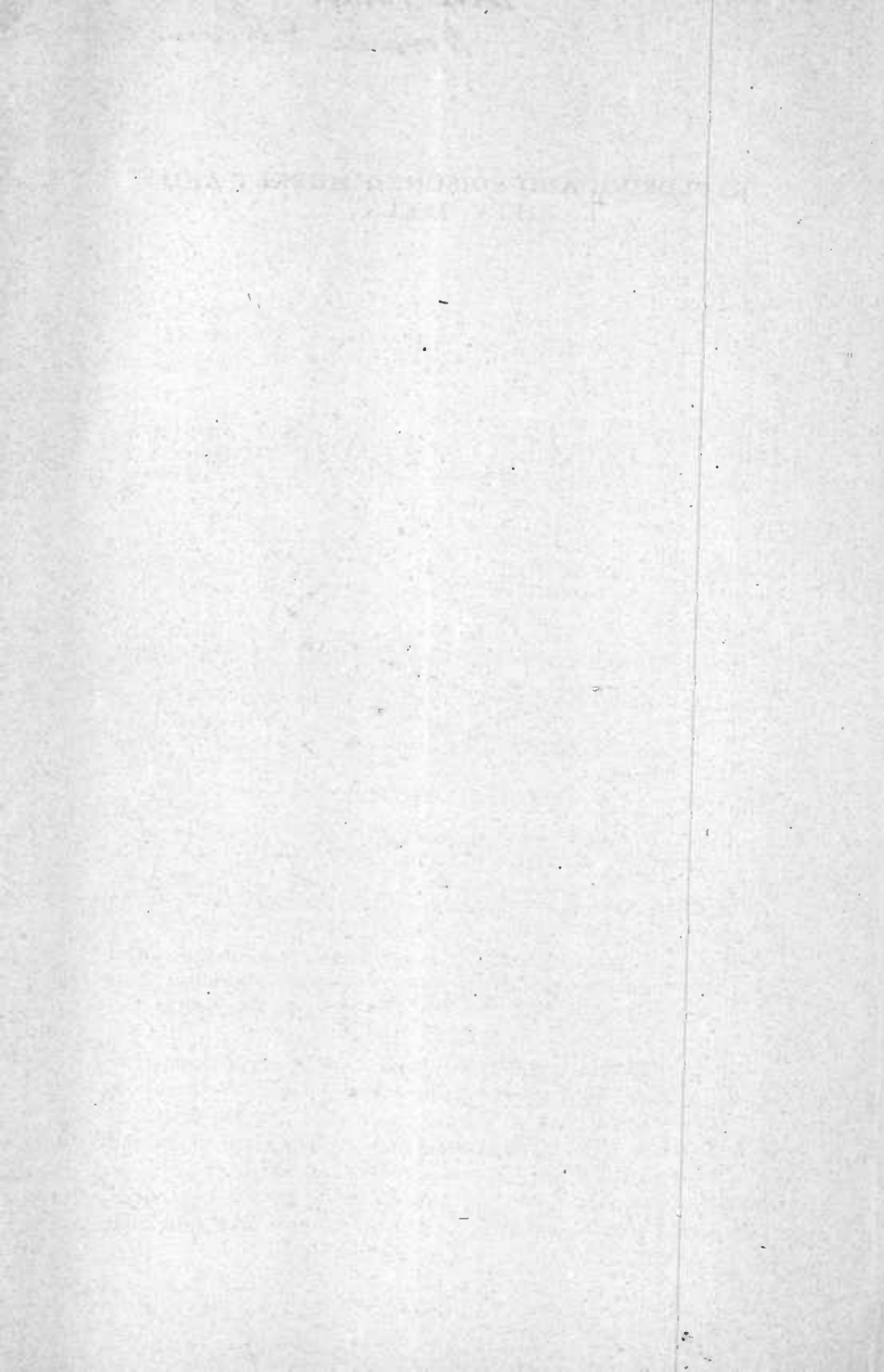
BY

REV. HORACE EDWIN HAYDEN,

Member of the Southern Historical Society and the Historical Society of Pennsylvania;  
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Society, the Historical Society of Virginia, &c., &c., &c.

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*Richmond, Va.:*  
*Geo. W. Gary, Printer and Binder.*  
1879.





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## EXPLOSIVE AND POISONED MUSKET AND RIFLE BALLS.

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The following remarkable statement occurs as a note to the account of the battle of Gettysburg, on page 78, volume III, of "The Pictorial History of the Civil War in the United States of America, by Benson J. Lossing, LL. D.":

Many, mostly young men, were maimed in every conceivable way, by every kind of weapon and missile, the most fiendish of which was an explosive and a poisoned bullet, represented in the engraving a little more than half the size of the originals, procured from the battlefield there by the writer. *These were sent by the Confederates. Whether any were ever used by the Nationals, the writer is not informed.* One was made to explode in the body of the man, and the other to leave a deadly poison in him, whether the bullet lodged in or passed through him.

Figure A represents the explosive bullet. The perpendicular stem, with a piece of thin copper hollowed, and a head over it of bullet metal, fitted a cavity in the bullet proper below it, as seen in the engraving. In the bottom of the cavity was fulminating powder. When the bullet struck, the momentum would cause the copper in the outer disc to flatten, and allow the point of the stem to strike and explode the fulminating powder, when the bullet would be rent into fragments which would lacerate the victim.

In figure B the bullet proper was hollowed, into which was inserted another, also hollow, containing poison. The latter being loose, would slip out and remain in the victim's body or limbs with its freight of poison if the bullet proper should pass through. Among the Confederate wounded at the College were boys of tender age and men who had been forced into the ranks against their will.

The italics I am responsible for. It is difficult for those who live at the South to realize how extensively such insinuating slanders as the above against the Confederates are credited at the North, even by reading people.

I purpose in this paper to examine the statement of the author of this Pictorial History, and to show, by indisputable proof, its recklessness and its falsity. In the above quotation, he states that he had picked up, on the battlefield of Gettysburg, an *explosive* and a *poisoned* ball. "These," he adds, "*were sent by the Confederates. Whether any were ever used by the Nationals, the writer is not informed.*" I do not desire to be severe beyond justice; but it does seem that

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as no one ventured to inform him to the contrary, this author accepted the silence of the world and deliberately put into print this slander against the Confederates without having made any apparent effort to learn, as he could have done with ease, whether his statement had any basis of truth.

It is with entire confidence in the facts presented in this paper that I *deny* this author's statement, above, to be a statement of fact. I do more than this—

I. *I most emphatically deny that the Confederate States ever authorized the use of explosive or poisoned musket or rifle balls.*

II. *I most emphatically assert that the United States did purchase, authorize, issue and use explosive musket or rifle balls during the late civil war, and that they were thus officially authorized and used at the battle of Gettysburg.*

It happened in 1864, the day after the negro troops made their desperate and drunken charge on the Confederate lines to the left of Chaffin's farm and were so signally repulsed, that the writer, who was located in the trenches a mile still further to the left, picked up, in the field outside the trenches assailed by the negroes, some of the cartridges these poor black victims had dropped, containing the very "*explosive*" ball described in the above quotation and charged to the Confederates. I have preserved one of these balls ever since. It lies before me as I write. It is similar to figure A, and with a zinc and not a copper disc. *It never contained any fulminating powder.* The construction of the ball led me to make investigations to ascertain its purpose. At first, I thought it might be made to leave in the body of the person struck by it three pieces of metal, instead of one, to irritate, and possibly destroy life. But this theory appeared to me so "fiendish" that I was unwilling to accept it, and I became convinced, after more careful examination, that the purpose of the ball was to increase the momentum, by forcing in the cap and expanding the disc so as to fill up the grooves of the rifle. The correctness of this view will be proven in this paper.

In the first place, although the charge made by the author of the Pictorial History of the Civil War against the Confederates of having used explosive and poisoned balls, has been made before, and often repeated since, it has never been supported by one grain of proof. How did this author ascertain that the balls he picked up on the battlefield of Gettysburg were sent by the Confederates? How did he learn that one was an *explosive* and the other a *poisoned*

projectile? Did he test the explosive power of the one and the poisonous character of the other? He gives no evidence of having done so, and advances no proof of his assertions.

It is a very remarkable fact that no case was ever reported in Northern hospitals, or by Northern surgeons, of Union soldiers having been wounded by such barbarous missiles as these from the Confederate side.

I have very carefully examined those valuable quarto volumes issued by the United States Medical Department and entitled "The Medical and Surgical History of the Rebellion," and as yet have failed to find any case of wound or death reported as having occurred by an explosive or poisoned musket ball, excepting that on page 91 of volume II of said work there is a table of four thousand and two (4,002) cases of gunshot wounds of the scalp, *two* (2) of which occurred by *explosive musket balls*. To which army these two belonged does not appear.

A letter addressed to the Surgeon-General of the United States by the writer on this subject, has elicited the reply that the Medical Department is without any information as to wounds by such missiles. I do not find such projectiles noticed as preserved in the museum of the Surgeon-General's Department, where rifle projectiles taken from wounds are usually deposited.

In the *second* place, the manufacture, purchase, issue or use of such projectiles for firearms by the Confederate States, is positively denied by the Confederate authorities, as the following correspondence will show:

BEAUVOIR, MISS., 28th June, 1879.

My Dear Sir— . . . In reply to your inquiries as to the use of explosive or poisoned balls by the troops of the Confederate States, I state as positively as one may in such a case that the charge has no foundation in truth. Our Government certainly did not manufacture or import such balls, and if any were captured from the enemy, they could probably only have been used in the captured arms for which they were suited. I heard occasionally that the enemy did use explosive balls, and others prepared so as to leave a copper ring in the wound, but it was always spoken of as an atrocity beneath knighthood and abhorrent to civilization. The slander is only one of many instances in which our enemy have committed or attempted crimes of which our people and their Government were incapable, and then magnified the guilt by accusing us of the offences they had committed, . . .

Believe me, ever faithfully yours,

JEFFERSON DAVIS.



General Josiah Gorgas, the Chief of Ordnance of the Confederate States—now of the University of Alabama—writes, under date of July 11th, 1879, that to his “knowledge the Confederate States never authorized or used explosive or poisoned rifle balls during the late war.” In this statement also General I. M. St. John and General John Ellicott, both of the Ordnance Bureau, Confederate States army, entirely concur.

The Adjutant-General of the United States also writes me, under date of August 22d, 1879, as to the Confederate archives now in the possession of the National Government, as follows: “In reply to yours of the 18th August, I have the honor to inform you that the Confederate States records in the possession of this Department furnish no evidence that poisoned or explosive musket balls were used by the army of the Confederate States.”

Rev. J. William Jones, D. D., Secretary of the Southern Historical Society, has written me to the same effect as to the archives in the possession of the Society.

In the *third* place, a brief examination of the United States Patent Office Reports for 1862-3, and the Ordnance Reports for 1863-4, will show that the “*explosive and the poisoned balls*” which the author of the “Pictorial History of the Civil War” so gratuitously charges upon the Confederates, were patented by the United States Patent Office at Washington, and were purchased, issued and used by the United States Government, and, what is still more remarkable, that *neither of the aforesaid projectiles were in any sense explosive or poisoned.*

In the Patent Office Report for 1862-3 will be found the following, with the corresponding illustration in the second volume:

No. 37,145—Elijah D. Williams, of Philadelphia, Pennsylvania—*Improvement in Elongated Bullets*—Patent dated December 9, 1862.

This invention consists in the combination with an elongated expanding bullet of a leaded pin and a concave expanding disc, the disc having its concave side against the base of the bullet, and the pin entering the cavity thereof and operating to produce the flattening of the disc, by which it is caused to *expand against the walls of and enter the grooves of the gun.*

Claim—First, the combination with elongated expanding bullets of a pin, C, and expanding disc, B, applied substantially as herein specified. Second, fitting the pin to the cavity of the bullet in the manner substantially as herein specified, whereby the expansion of the bullet is caused to commence in the front part of its expanding portion and to be gradually continued toward the rear as herein set forth.

So much for the *explosive* ball "*sent by the Confederates.*"

In the same volume of the Patent Office Reports will be found also the following:

No. 36,197—Ira W. Shaler, of Brooklyn, New York, and Reuben Shaler, of Madison, Connecticut, assigned to Ira W. Shaler aforesaid—*Improvement in Compound Bullet for Small Arms*—Patent dated August 12, 1862.

This projectile is composed of two or more parts which fit the bore of the barrel and so constructed that the forward end of each of the parts in the rear of the front one enters a cavity in the rear of the one before it, and is formed in relation to the same in such a manner as to separate from it after leaving the barrel of the gun and make a slight deviation in its line of flight from that of its predecessor.

Claim—The projectile hereinbefore described, made up of two or more parts, each of equal diameter, constructed as set forth so as to separate from each other.

No illustration of this projectile appears in the illustrated volume of patents; but an official drawing of it from the Patent Office lies before me. The ball is slightly different from figure B (*supra*), in that it is here perfect, and figure B gives but two parts of the missile.

So much for the *poisoned* ball "*sent by the Confederates.*"

Any person ought to know perfectly well that it was not necessary to invent or construct a rifle ball especially adapted to carry poison, when the common minnie ball itself, dipped into liquid poison and coated, as ball cartridges are usually finished, with wax or tallow, would have effected the same purpose.

To what extent the bullets of Williams and Shaler were used during the late war by the United States troops, the following official communication from the War Department at Washington, under date of September 16, 1879, will show:

Sir—In reply to your letter of the 9th instant to the Secretary of War, I have to inform you that during the late war a great many of the bullets patented by Elijah D. Williams and about 200,000 of those patented by Ira W. Shaler were used by the United States.

Respectfully, your obedient servant,

S. C. LYFORD, *Acting Chief of Ordnance.*

In the *fourth* place, in repelling and refuting the charge against the Confederates of having used explosive musket or rifle projectiles, I charge the United States Government with not only patent-

ing, but purchasing and using, especially at the battle of Gettysburg, an *explosive musket shell*; nor do I trust to my imagination, but I present the facts, which are as follows:

In April, 1862, the Commissioner of Public Buildings at Washington brought to the attention of the Assistant Secretary of War—then Mr. John Tucker—the explosive musket shell invented by Samuel Gardiner, jr. The Assistant Secretary at once referred the matter to General James W. Ripley, who was then the Chief of the Ordnance Bureau at Washington. What action was taken will appear when it is stated that in May, 1862, the Chief of Ordnance at the West Point Military Academy made a report to the Government of a trial of the Gardiner musket shell. In May, 1862, Mr. Gardiner offered to sell some of his explosive musket shells to the Government at a stipulated price. His application was referred to General Ripley with the following endorsement:

Will General Ripley consider whether this explosive shell will be a valuable missile in battle?

A. LINCOLN.

General Ripley replied that "it had no value as a service projectile."

In June, 1862, Brigadier-General Rufus King, at Fredericksburg, made a requisition for some of the Gardiner musket shells. On referring this application to the Chief of Ordnance, General Ripley, that old army officer, whose sense of right must have been shocked at this instance of barbarism, a second time recorded his disapproval, replying that "it was not advisable to furnish any such missiles to the troops at present in service."

In September, 1862, the Chief of Ordnance of the Eleventh corps, United States army, recommended the shell to the Assistant Secretary of War, who ordered 10,000 rounds to be purchased—made into cartridges. Of this number, 200 were issued to Mr. Gardiner for trial by the Eleventh corps. In October, 1862, the Chief of Ordnance of the Eleventh corps, then in reserve near Fairfax Courthouse, sent in a requisition, endorsed by the General commanding the corps, for 20,000 Gardiner musket shells and cartridges. The Assistant Secretary of War referred the matter to the Chief of Ordnance, General Ripley, who for the *third* time recorded his disapproval of such issue. Nevertheless, the Assistant Secretary of War ordered the issue to be made to the Eleventh corps of the remaining 9,800 shells and cartridges, which order was obeyed.

In November, 1862, Mr. Gardiner offered to sell to the United States his explosive musket shell and cartridge at \$35 per thousand, calibre 58. The Assistant Secretary of War at once ordered 100,000, of which 75,000 were calibre 58 for infantry, and 25,000 calibre 54 for cavalry service.

In June, 1863, the Second New Hampshire volunteers made a requisition for 35,000 of these shells, and by order of the Assistant Secretary of War, they received 24,000. Of this number, 10,060 were abandoned in Virginia and 13,940 distributed to the regiment. The report of this regiment, made subsequently, shows that in the third quarter of 1863—that is, from July 1st to October 1st—about 4,000 of these shells were used in trials and target firing, and about 10,000 were used in action. The Second New Hampshire regiment was in the battle of Gettysburg, and 49 of its members lie buried in the cemetery there.

The above statement shows that the Assistant Secretary of War, against what might be regarded as the protest of the Chief of Ordnance, purchased 110,000 of the Gardiner explosive musket shells, and issued to the troops in actual service 35,000, leaving 75,000 on hand at the close of the war.

In 1866 the Russian Government issued a circular calling a convention of the Nations for the purpose of declaring against the use of explosive projectiles in war. To this circular the then Chief of Ordnance of the United States, General A. B. Dyer, made the following reply, which I have but little doubt expresses the sentiment which actuated General Ripley in his disapproval of the purchase and issue of the Gardiner musket shell:

ORDNANCE OFFICE, WAR DEPARTMENT,  
WASHINGTON, August 19, 1868.

Hon. J. M. SCHOFIELD, *Secretary of War*:

Sir—I have read the communication from the Russian Minister in relation to the abolishment of the use of explosive projectiles in military warfare, with the attention and care it well deserves.

I concur heartily in the sentiments therein expressed, and I trust that our Government will respond unhesitatingly to the proposition in behalf of humanity and civilization. The use in warfare of explosive balls, so sensitive as to ignite and burst on striking a substance as soft and yielding as animal flesh (of men or horses), I consider barbarous and no more to be tolerated by civilized nations than the universally reprobated practice of using poisoned missiles, or of poisoning food or drink to be left in the

way of an enemy. Such a practice is inexcusable among any people above the grade of ignorant savages. Neither do I regard the use in war of such explosive balls as of any public advantage, but rather the reverse; for it will have the effect of killing outright, rather than wounding, and it is known that the care of wounded men much more embarrasses the future operations of the enemy than the loss of the same number killed, who require no further attention which may delay or impede them.

There is a class of explosive projectiles now used, the discontinuance of which is not demanded by humanity, and the use of which may be considered legitimate. These are the projectiles which can only be exploded by contact with hard, resisting substances, and which are generally used for destroying ships, caissons, or light fortifications, and not directly against men or animals in the opposing ranks. These latter ought not and probably cannot be included in an agreement or treaty to prohibit their use in warfare; but I strongly advocate an agreement or treaty binding all civilized nations to discontinue and forever abandon the use in war of that class of missiles or projectiles which may be used in small arms and be so sensitive as to explode on contact with animal flesh.

The papers in the case, received through the State and War Departments, are herewith returned.

In this connection, I also notice a letter from the Hon. C. M. Clay, our Minister to Russia, which has been referred to this office and herewith returned, and on which I have to report. If the civilized nations persist in refusing to discontinue and abandon the use of sensitive explosive balls, then it would be well for this Government to enter into the agreement suggested by Mr. Clay, whereby we may be enabled to secure their use in case of necessity, by an agreement with him, or his named authorized agent, for the payment of a stipulated royalty on each that may be procured from him, or may be used in the Government service.

Respectfully, your obedient servant,

A. B. DYER,

*Brevet Major-General, Chief of Ordnance.*

I have recorded enough to show the recklessness and falsity of the charge against the Confederates of using such missiles in small arms during the late war, and the public is hereby specifically "*informed whether the Nationals ever used them.*"

In the Patent Office Report for 1863-4 will be found the following account of the Gardiner musket shell:

No. 40,468—Samuel Gardiner, jr., of New York, N. Y.—*Improvement in Hollow Projectiles*—Patent dated November 3, 1863.

The shell to form the central chamber is attached to a mandrel, and the metal forced into a mould around it.

Claim—Constructing shells for firearms by forcing the metal into a mould around an internal shell supported on a mandrel.



I have a box of these shells in my possession. They are open for examination by any persons who may desire to see them.

This summer the distinguished officer who commanded the 143d regiment of Pennsylvania volunteers, United States army, at the battle of Gettysburg, informed me that during the last day of the battle, he and his men frequently heard, above their heads, amid the whistling of the minnie balls from the Confederate side, sharp, explosive sounds like the snapping of musket caps. He mentioned the matter to an ordnance officer at the time. The officer replied that what he heard was explosive rifle balls, which the Confederates had captured from the Union troops, who had lately received them from the Ordnance Department.

From the fact that the Gardiner shell is not fitted with a percussion cap at the point of the projectile, and is not easily exploded by hand, and from the additional fact that only about ten thousand are reported as having been used in action, I am willing to believe that the primary purpose of the Government of the United States in using them was the exploding of caissons. There is, moreover, no evidence that any of these shells were issued from the Ordnance Bureau after the year 1863. The Gardiner shells are so constructed as to have no different appearance in the cartridge from the common minnie ball—only the title on the box, and an examination of the ball when separate from the cartridge, giving any indication of its explosive character.

I know not *certainly* if any other such projectiles were used by the United States troops, nor have I any especial desire to prosecute the investigation further than to prove the position taken in this paper.

It would be disingenuous in me if I failed to notice the fact that a charge somewhat similar to that which begins this article was made by a correspondent in the *Scientific American* for September 6th, 1862, volume VII, page 151, as follows:

Recently it was my privilege to examine, in the hands of a man just from Fortress Monroe, an explosive bullet, such as was used by the Rebels in the six days' battle. It is conical in shape, about one inch long, made of lead, and consists of two parts—viz: a solid head piece and a cylindrical chamber, which are united together by a screw. From the point of the bullet projects a little rod, which passes down through a small hole in the head piece into the chamber below, where it was connected with a percussion cap. The chamber contains about a tablespoonful of powder. You can readily perceive that if the bullet should encounter a

bone or other hard substance when entering a man's body, it will explode and thereby produce a fatal wound.

F. J. C.

PHILADELPHIA, August 23, 1862.

In the Patent Office Report (United States) for 1863-4 will be found a shell exactly corresponding to this one:

No. 39,593—Joseph Nottingham Smith, New York, N. Y.—*Improvement in Elongated Projectile for Firearms*—Patent dated August 18, 1863.

It consists of an elongated cylinder having a charge chamber in its rear portion, which contains powder for propulsion. The point is a pointed axical bolt, whose rear is furnished with a percussion cap, to be exploded by the forward motion of a striker on the concussion of the projectile.

Not having seen this ball, I cannot *certainly* identify it with the ball mentioned by F. J. C., but it is evidently the same.

The inference is very natural that if these several projectiles, patented by the United States Patent Office, as the invention of Northern men, during the war, and used by the United States armies, were ever used by the Confederates, it was only as captured ammunition. It was hardly possible, at any reasonable cost, to run them through the blockade to the South.

In conclusion, it may be well to draw attention to Mr. Lossing's intimation in the note quoted at the beginning of this paper, that the men of the South were forced into the Confederate ranks against their will, while those of the North were volunteers. Does Mr. Lossing purposely forget the United States drafts made to fill up the depleted regiments in the field, and especially the draft of May, 1863, two months before the battle of Gettysburg, and the riots that occurred in New York city as the result of that draft? Does he purposely forget that the United States established recruiting offices in Europe to procure men for her armies?

It may be questioned whether as a historian Mr. Lossing is deserving even the notice of a novice in history; for, while he is known to be a voluminous writer of American history, he is also known to be a writer of many and great inaccuracies. A writer who has allowed himself to be so easily imposed upon as in his ready acceptance as true history of the Morgan Jones Welsh Indian fraud (American Historical Record, I, 250); who makes such glaring historical mistakes as his statement that General Braddock was defeated and killed at the "battle of the Great Meadows"

(History of the Revolutionary War), and that Captain John Smith, the Virginia explorer, had explored the Susquehanna river as far north as the Wyoming Valley (Harper's Magazine, November, 1860), and who draws so largely on his imagination, and is so much controlled by his prejudices in his "History of the Civil War," cannot be considered an entirely trustworthy historian. But because Mr. Lossing's histories have flooded the North, and are largely accepted as authentic narrations of events, it is due to the Confederates and the cause for which they so long and nobly battled, against such fearful odds, that the truth be made known and Mr. Lossing's misstatements exposed.

It is earnestly to be hoped that the facts presented in this paper will forever set at rest the malicious slander so often repeated against the Confederates, by many who are so willing to believe anything against them, of having authorized the use in military warfare of such atrocious and barbarous missiles as "*explosive and poisoned*" musket or rifle balls.

H. E. H.

BROWNSVILLE, PA., September 1, 1879.